FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

DISTRICT : SOLAPUR

WRIT PETITION NO.2764 OF 2005

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	Court's or Judge's orders

Mr Sandeep S. Salunkhe for Petitioner.
Mr Amit M. Shete for Respondent.

CORAM : D.K. DESHMUKH J.
DATE : 28TH SEPTEMBER 2005
P.C. :-

1. Both the Courts below have concurrently found that the original plaintiff is entitled to the pipeline through the land of the defendant for taking water to his land. The learned counsel appearing for petitioner submits that in view of the decree passed in RCS No.403 of 1993, the order of temporary injunction cannot be passed. I have perused the decree passed in RCS No.403 of 1993. It shows that in that suit, the issue was not about the right of the plaintiff to lay pipeline through the land of the defendant. The issue in that suit was about the ownership and possession of the land of the petitioner,

who was plaintiff in that suit. As both the Courts below have concurrently found that the plaintiff - respondent is entitled to take water through his land by laying pipeline through the land of the petitioner, in my opinion, since the order is operating from the year 2002, it will not be appropriate to interfere with the order impugned at this stage.

Petition is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary as true copy.

. Certified copy expedited.